APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/328,893	06/09/1999	JORG SCHABERNACK	Q54532	7430

7590   12/18/2001

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EXAMINER
DUONG, OANH L

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 12/18/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

<table>
<tr><td rowspan="2">Office Action Summary</td><td>Application No.
09/328,893</td><td>Applicant(s)
SCHABERNACK ET AL.</td></tr>
<tr><td>Examiner
Oanh L. Duong</td><td>Art Unit
2155</td></tr>
</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06/09/99</u> .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-10</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-10</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3 and 5</u> .

4)☐ Interview Summary (PTO-413) Paper No(s). _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: ____

DETAILED ACTION

Abstract Objection

1.   The abstract of the disclosure is objected to because the abstract should be no

longer than 150 words in length. Correction is required. See MPEP § 608.01(b).

Drawings Objection

2.   Drawing is objected to because there is no legend in fig. 2

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 1-3 and 5-9 are rejected under 35 U.S.C. 102(b) as being anticipated by

Bennett et al (Bennett) (USPN 5,189,733).

Regarding claim 1, Bennett discloses a method (100) of managing a network

element using managed objects (M01, M02, MO*) wherein the network element is

managed in response to requests (RQ) by accessing a memory (MEM) and using the

objects (M01, M02, MO*) stored therein (see fig. 9), said method (100) comprising the

steps of checking in response to a request (RQ = RQ*) for access to one (MO*) of the

managed objects (M01, M02, MO*) whether this requested object (MO*) is stored in the

memory (MEM) (step 110) (see col. 7 lines 6-9); if this requested object (MO*) is not

stored in the memory (MEM), checking whether there is sufficient memory space to

write this object (MO*) into the memory (MEM) (step 120) (see col. 7 lines 9-13); if there

is no sufficient memory space, swapping at least one (MO1) of the stored objects (MO1,

MO2) out of the memory (MEM) to a database (DB) according to at least one

predeterminable criterion (step 130) (see col. 7 lines 13-18); and reading the requested

object (MO*) from the database(DB) and writing it into the memory (MEM) (step 140)

(see col. 7 lines 18-24).

Regarding claim 2, Bennett discloses the objects (MO2) which are accessed most

frequently remain in the memory (MEM) (see col. 7 lines 16-18).

Regarding claim 3, Bennett discloses a predeterminable number of recently

accessed objects remain in the memory (see abstract).

Regarding claim 5, Bennett discloses the predeterminable criterion is a length of

time which indicates how long each of the objects may remain stored in the memory

(see col. 2 lines 12-18).

Regarding claim 6, Bennett discloses the predeterminable criterion is a maximum

number which indicates how many objects may remain stored in the memory (see col. 4

lines 3-6).

Regarding claims 7 and 9, Bennett discloses A network element for a digital

communications network comprising a controller (FLT) (see fig. 1B) for managing the

network element using managed objects (MO1, MO2, MO*), a memory (MEM) (see col.

4 line 9) connected to the controller (FLT), and a database (DB) connected to the

controller (FLT), wherein the controller (FLT), in response to requests (RQ), manages

the network element by accessing the memory (MEM) and using the objects (MO1, MO2,

MO*) stored therein (see fig. 9), wherein in response to a request (RQ = RQ*) for

access to one (MO*) of the managed objects (MO1, MO2, MO*), the controller (FLT)

checks whether this requested object (MO*) is stored in the memory (see col. 7 lines 6-

9), wherein, if this requested object (MO*) is not stored in the memory (MEM), the

controller (FLT) checks whether there is sufficient memory space to write this object

(MO*) into the memory (MEM) (see col. 7 lines 9-13), wherein, if there is no sufficient

memory space, the controller (FLT) causes at least one (MO1) of the stored objects

(MO1, MO2) to be swapped out of the memory (MEM) to a database (DB) according to

at least one predeterminable criterion (see col. 7 lines 13-18), and wherein the controller

(FLT) reads the requested object (MO*) from the database (DB) and writes it into the

memory (MEM) (see col. 7 lines 18-24).

Regarding claim 8, Bennett discloses the memory is a semiconductor memory

(MEM), and wherein the database (DB) is implemented on a nonvolatile mass storage,

particularly on a hard disk (see col. 7 lines 20-24).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett

in view of Finni (USPN 5,941,978).

Regarding claim 4, Bennett does not teach CMISE filter as claimed. However,

Finni teaches the predeterminable criterion is a filter function, particularly a CMISE filter

function, which indicates which objects are to remain stored in the memory (see col. 1 lines 36-63 and col. 4 lines 14-44). Therefore, it would have been obvious to have used the CMISE filter function in Bennett as taught by Finni because it anables the network management system to select a target group for CMIP management operation applied to a network element of a communication network.

5.   Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett in view of Hayball et al (Hayball) (USPN 6,233,610).

Regarding claim 10, Bennett does not teach SDH network as claimed. However, Finni teaches particularly an SDH network (see col. 25 lines 32-40), wherein the network elements are cross-connects, add-drop multiplexers, and/or line multiplexers (see col. 21 lines 16-33). Therefore, it would have been obvious to have the network elements in Bennett as taught by Hayball because such network elements would provide a communications network having network management system which is adaptable to being distributed across a communications network and enable faster construction of network management base for communications network.

Conclusion

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oanh L. Duong whose telephone number is (703) 305-0295. The examiner can normally be reached on Monday- Friday, 8:00AM-4: 30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz sheikh can be reached on (703) 305-9648. The fax phone numbers
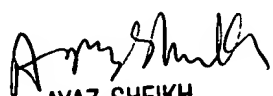
for the organization where this application or proceeding is assigned are (703) 746-7239

for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703) 305-

3900.

O.D
December 13, 2001

AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100